

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1673-01
Bill No.: SB 498
Subject: Juries; Judges; Courts; Attorneys; Law Enforcement Officers and Agencies;
 Health Care Professionals
Type: Original
Date: March 7, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Lengthy Trial	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on Other State Funds	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Division of Personnel, – Commissioner’s Office, Department of Labor and Industrial Relations, Department of Public Safety – Division of Fire Safety, – Missouri State Highway Patrol, and the – Division of Liquor Control** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Secretary of State (SOS)** assume the proposal modifies provisions relating to jury service. The executive council of the judicial conference could promulgate rules to implement the provisions of this act. These rules will be published in the *Missouri Register* and the *Code of State Regulations*. Based on experience with other divisions, the rules, regulations, and forms issued by the Committee could require as many as 14 pages in the *Code of State Regulations* and half again as many pages in the *Missouri Register*, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the *Missouri Register* is \$23 and the estimated cost of a page in the *Code of State Regulations* is \$27. Based on these costs, the estimated cost of the proposal is \$861 in FY 04 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

ASSUMPTION (continued)

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Office of Attorney General** assume the costs of this proposal are unknown but would likely be less than \$100,000 per year. Possible sources of cost include new rules for jurors to postpone service which may lengthen jury selection the deletion of attorneys from those who may be excused from jury duty, and the requirement that employees not incur annual leave for time spent on jury service.

Oversight assumes the AGO could absorb the cost of the proposed legislation within existing resources. If the AGO experiences an increase that would require additional funding, the AGO could request the funding through the appropriation process.

Officials from the **St. Louis Metropolitan Police Department** assume this legislation would cost approximately \$193,000 per year.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would modify several provisions of the law relating to jury service, and provide a means by which prospective jurors can obtain a postponement of jury service. A person who fails to appear or fails to obtain a postponement is guilty of a class C misdemeanor.

Presently, there are often many people who fail to appear, and there may be an increase in the number of criminal cases filed. However, after a period of time and awareness of the penalty, CTS would anticipate substantial compliance and would not expect a significant impact on the workload of the court. There may be an increase in workload relating to the processing of requests for postponement, but we have no way of predicting that impact at this time.

The bill also would create a "Lengthy Trial Fund," to be funded by a \$20 fee on some civil cases. The fee is to be paid by the attorney filing the case, and used to provide wage supplementation to jurors who serve as petit jurors for more than ten days. The fund is to be administered as provided by the executive council of the Judicial Conference. The Supreme Court is to report on the administration of the fund in the Annual Judicial Report.

Because of the various exemptions to payment into the fund, CTS are unable to provide an estimate of the number of cases that might qualify for assessment. Statistics are not available, for

example, for cases involving government attorneys, pro se litigants, social security
ASSUMPTION (continued)

determinations, veteran's compensation and several other exempt case types. CTS can report that there were 33,087 general civil cases filed in FY 02; 146,648 Chapter 517 cases; 93,604 domestic relations cases (excluding motions to modify); and 9,352 motions to modify. Also in FY 02, there were 524 (2%) general civil cases disposed by jury trial, and 87 (0%) Chapter 517 cases disposed by jury trial. The majority of lengthy jury trials are held in St. Louis City. Number-of-days data is not available for Jackson County and St. Louis County. Excluding these two counties, there were seven trials that were longer than 10 days in FY 02; with a reimbursement cost of \$6,582. CTS will estimate that the statewide total will be about twice that, or 14 jury trials in FY 03. (To date, there have been five trials that lasted longer than 10 days, with \$5,784.00 reimbursed.)

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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LENGTHY TRIAL FUND

Revenues – Office of State Courts
 Administrator

Court filing fees	Unknown	Unknown	Unknown
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Costs – Office of State Courts
 Administrator

Juror wage replacement/supplement	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT ON
 LENGTHY TRIAL FUND**

	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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POLITICAL SUBDIVISIONS

Costs – Local Law Enforcement
 Employees serving jury duty

	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT ON
POLITICAL SUBDIVISIONS**

(Unknown)

(Unknown)

(Unknown)

FISCAL IMPACT - Small Business

The proposed legislation could fiscally impact small businesses.

DESCRIPTION

The proposed legislation would modify provisions relating to service on a jury and postponements and exemptions from such service. Currently, lawyers and persons with physical illness are ineligible for jury service. The proposal would make such persons eligible for service. Certain health care professionals, clergy, persons with employment in areas where their absence would affect the public safety, St. Louis city police officers and persons upon whom jury service would pose an extreme hardship are currently excused from jury service. This proposal would make them eligible to serve as jurors.

Certain individuals upon whom jury duty would cause undue or extreme physical or financial hardship or individuals with confirmed mental or physical conditions that causes them to incapable of performing jury service could apply to be excused from jury duty for a period of up to 24 months. The proposal would define what constitutes "undue or extreme physical or financial hardship" and would provide that the certain documentation must be filed and that a judge must make the determination. After 24 months, the person would again be eligible for jury duty unless the judge decides that the person should be permanently excused.

Individuals have the right to ask for a postponement of the date of initial appearance for jury duty. First requests would be granted once the person provides the court with a new date within six months when such person shall appear for jury duty. A person who fails to appear for jury duty or who fails to obtain a postponement would be guilty of a Class C misdemeanor.

Currently, after January 1, 2005, no person shall be required to attend court for more than two days unless selected for a jury panel. This proposal would delete the January 1, 2005 date and would provide that a person would not be required to attend court for more than one day unless selected for a jury panel.

The proposal would establish a Lengthy Trial Fund. The executive council of the Judicial Conference of Missouri would promulgate rules to administer the fund. The fund would be used

to pay supplemental wages of up to \$300 per day for jurors beginning on the eleventh day of service. Each new case filing, with certain exceptions, would be accompanied by a \$20 fee that would be paid into the Fund.

DESCRIPTION (continued)

Employees would not be required to use annual, vacation, or sick leave for time spent on jury duty. A court would automatically postpone jury duty for an employee of a employer with five or fewer employees if another employee of the employer is summoned to appear during the same period.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration
 – Division of Personnel
 – Commissioner's Office
Office of State Courts Administrator
Department of Labor and Industrial Relations
Department of Public Safety
 – Division of Fire Safety
 – Missouri State Highway Patrol
 – Division of Liquor Control
Office of Secretary of State
St. Louis Metropolitan Police Department

L.R. No. 1673-01
Bill No. SB 498
Page 7 of 7
March 7, 2003

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 7, 2003